

## **REMARKS**

Entry of the amendments to the specification and claims are respectfully requested.

### **Specification Amendments**

The specification has been amended in the second to last sentence of paragraph 3 to correct a typographical error and to recite “where a vehicle is to be picked up and where it is to be dropped off”. Entry of this amendment to the specification is respectfully requested.

### **Claim Rejections - 35 U.S.C. §101**

Reconsideration of the rejection of claims 1-33 under 35 U.S.C. §101 is respectfully requested. Regarding claims 1-10, independent claim 1 has been amended to recite: data elements arranged in a plurality of rows and columns “for display on a display device in communication with a computer system in response to a search performed for a rental car based on user defined car rental criteria”. The display of data elements on a display device in communication with a computer system is tangible and is clearly patentable subject matter. In light of the amendments to independent claim 1, claims 1-10 are allowable under 35 U.S.C. §101.

Regarding claims 11-17, independent claim 11 has been amended to recite the “column, row, column heading, row heading and data element are displayed on a display device in communication with a computer system”. The recited display on a display device is structural and tangible, and accordingly is patentable subject matter. Amended independent claim 11 and claims 12-17 dependent thereon, are allowable under 35 U.S.C. §101.

Regarding claims 18-24, independent claim 18 has been amended to recite the “row, column, row heading, column heading and data element are displayed on a “display device in communication with a computer system”. The display on a display device in communication

with a computer system is clearly patentable subject matter. Amended independent claim 18, and claims 19-24 dependent thereon are allowable under 35 U.S.C. §101.

Regarding claims 25-30, independent claim 25 has been amended to recite “the data elements are displayed on the computer monitor”. The display of data elements on a computer monitor is tangible, real and is patentable subject matter. Accordingly, amended independent claim 25, and claims 26-30 dependent thereon, are allowable under 35 U.S.C. §101.

Regarding claims 31-33, independent claim 31 has been amended to recite displaying “on a display device in communication with a computer system”. The steps of displaying on a display device involve the technological arts and thus, independent claim 1, as amended, recites patentable subject matter. Amended independent claim 31 and claims 32-33 dependent thereon, are allowable under 35 U.S.C. §101 and reconsideration and withdrawal of the rejection to these claims are respectfully requested.

### **Claim Objections**

Reconsideration of the objection to claims 26-30 is respectfully requested. Claims 26-30 have been amended to recite “[t]he interactive display” to provide consistency with independent claim 25. Therefore, withdrawal of the objection is requested.

### **Claim Rejections - 35 U.S.C. §112, Second Paragraph**

Reconsideration of the rejection of claims 14 and 21 under 35 U.S.C. §112, second paragraph, is respectfully requested. Claims 14 and 21 have been amended to recite the “display matrix” in order to provide clarity to the claims. Therefore, reconsideration and withdrawal of the rejection to these claims is requested.

### **Claims Rejections - 35 U.S.C. §102(a)**

Reconsideration of the rejection of claims 1-30 under 35 U.S.C. §102(a) as being anticipated by “Our technology, ITA Software, 4/24/01 (hereafter “ITA”) is respectfully requested. Regarding claims 1-10, independent claim 1 has been amended to recite data elements arranged in a plurality of rows and columns “for display on a display device in communication with a computer system in response to a search performed for a rental car based on user defined car rental criteria”. The ITA reference does not show or suggest rows or columns associated with a particular rental car company or with a particular class of vehicle. Additionally, there is no suggestion in ITA of a display of such data elements in response to a search performed for a rental car based on user defined car rental criteria. Therefore, independent claim 1 is allowable over ITA.

All claim elements must be considered when determining the patentability of an invention over prior art. In the Office Action, however, no patentable weight was given to the type of data being displayed based on *In re Gulak*, 703 F.2d 1381, 217 USPQ 401 (Fed.Cir. 1983). The reliance on *Gulak* appears to be misplaced. In *Gulak*, the Federal Circuit reversed the U.S. Patent and Trademark Office Board of Appeals’ (“Board’s”) claim rejections because the Board incorrectly declined to accord printed matter recited in the claims patentable weight. *In re Gulak* at 1386-87. In doing so, the Federal Circuit stated that differences between an invention and the prior art cited against it cannot be ignored merely because those differences reside in the context of the printed matter. *Id.* at 1385. The Board cannot dissect a claim, excise printed matter from it, and declare the remaining portion of the mutilated claim to be unpatentable. *Id.* The Federal Circuit further stated that such printed matter rejections stand on “questionable legal and logical footing.” *Id.* at n. 8.

The Federal Circuit went on to state “[t]he fact that printed matter by *itself* is not patentable subject matter, because non-statutory, is no reason for ignoring it when the claim is directed to a combination. *Id.* at 1386 (emphasis original). In *Gulak*, the difference between the appealed claims and the art cited by the Patent Office resided in the content of the printed matter. *Id.* at 1386. The Federal Circuit rejected the finding that there was no functional relationship between the printed matter and the substrate in *Gulak*'s claims. *Id.* at 1387. To this end, the Federal Circuit accordingly found that the Board had declined to provide patentable weight to the printed matter, and in turn, reversed the Board's rejection of the patent claims based on the cited art. *Id.*

More recently, the Federal Circuit also reversed a Patent Office “printed matter” rejection for an invention concerning data structures in a computer memory. See *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994). In *Lowry*, the Federal Circuit noted that the Patent Office must consider all claim limitations when determining patentability of an invention over the prior art and the Patent Office may not disregard claim limitations comprised of printed matter. *Id.* at 1582. The Federal Circuit further concluded that the Board erred by denying patentable weight to *Lowry*'s data structure limitations and reversed the claim rejections under sections 102 and 103. *Id.* at 1584-85.

Here, amended independent claim 1, recites limitations which are not taught or suggested in the ITA reference. Additionally, the data elements bear a functional relationship to the display device, as amended independent claim 1 recites “data elements arranged in a plurality of rows and columns for display on a display device in communication with a computer system in response to a search performed for a rental car based on user defined car rental criteria”. Thus, under *Gulak* and *Lowry* it is improper to ignore specific claim elements and deny patentable

weight to the type of information recited in independent claim 1. ITA does not show or suggest data elements (associated with a particular rental car company or a particular class of vehicle) arranged in rows and columns for display on a display device in response to a search performed for a rental car based on user defined car rental criteria. ITA further does not show or suggest a rental car company identifier or a vehicle class identifier. Accordingly, independent claim 1 is allowable over the ITA reference and the rejection to claim 1 should be withdrawn. Claims 2-10 which depend from allowable independent claim 1 are therefore also allowable and withdrawal of the rejection to these claims is respectfully solicited.

Reconsideration of the rejection of claims 11-17 under 35 U.S.C. §102(a) is respectfully requested. All claim elements recited must be considered when determining patentability as discussed above for claim 1. Specifically regarding independent claim 11, the ITA reference does not show or suggest: a column associated with a particular rental car company; a row associated with a particular class of vehicles; a column heading identifying a rental car company; a row heading identifying a class of vehicles; or a data element associated with a rental car company and a class of vehicle wherein the column, row, column heading, row heading and data element are displayed on a display device in communication with a computer system. Therefore, the ITA reference does not anticipate independent claim 11. Claims 12-17 depend from allowable independent claim 11 and are therefore also allowable. Withdrawal of the rejection to these claims is respectfully solicited.

Reconsideration of the rejection of claims 18-24 under 35 U.S.C. §102(a) is respectfully requested. As discussed above with reference to independent claim 1, all claim elements recited must be provided patentable weight. The ITA reference does not anticipate independent claim 18 because ITA fails to show or suggest: a row associated with a rental car company; a column

associated with a class of vehicles; a row heading identifying a car company; a column heading identifying a class of vehicles; or a data element associated with a rental car company and a class of vehicles in which the row, column, row heading, column heading and data element are displayed on a display device in communication with a computer system. Therefore, independent claim 18 is allowable over the ITA reference. Claims 19-24 which depend from allowable independent claim 18 are therefore also allowable and withdrawal of the rejection to these claims is respectfully solicited.

Reconsideration of the rejection of claims 25-30 under 35 U.S.C. §102(a) is respectfully requested. As noted above with regards to independent claim 1, all claim elements must be considered when considering patentability. The ITA reference does not anticipate independent claim 25 because ITA fails to show or suggest: columns or rows representing rental car offerings provided by a particular rental car company or a class of vehicles for which rental car data are described. ITA also does not show or suggest a company identifier identifying a particular rental car company with which a corresponding column or row is associated or a vehicle class identifier identifying the class of vehicles with which a corresponding column or row is associated. Additionally, ITA does not teach data elements which comprise hypertext links representing a rate offered by a particular rental car company for a class of vehicle. For these reasons, independent claim 25 is allowable over the ITA reference. Claims 26-30 which depend from allowable independent claim 25 are therefore also allowable and withdrawal of the rejection to these claims is respectfully requested.

**Claim Rejections – 35 U.S.C. §103(a)**

Reconsideration of the rejection of claims 31-33 under 35 U.S.C. §103(a) as being unpatentable over the ITA reference in view of Daughtrey is respectfully requested. Regarding independent claim 31, neither ITA nor Daughtrey teach or suggest display of car rental data and certainly neither reference suggests the step of identifying a number of vehicle classes for which data are to be displayed in response to a search performed for a rental car. In the Office Action, it is admitted that “ITA does not disclose displaying car rental information.” (June 24, 2004 Office Action at p. 4). Likewise, Daughtrey also fails to discuss identifying and displaying car rental data. Furthermore, both the ITA reference and Daughtrey certainly do not teach or suggest identifying a number of vehicle classes. Daughtrey merely discusses summaries of travel fare rules and regulations and makes no mention or suggestion of rental car vehicle classes. Thus, the steps of identifying a number of vehicle classes for which data are to be displayed in response to a search performed for a rental car and displaying vehicle identifiers along an axis with each vehicle class identifier identifying one of the identified vehicle classes cannot be found based on any alleged combination of the ITA reference and Daughtrey. Therefore, the combination of ITA and Daughtrey is not warranted and the rejection to independent claim 31 should be withdrawn. Claims 32-33 which depend from allowable independent claim 31 are therefore also allowable, and reconsideration of these claims is respectfully requested.

***Conclusion***

A check in the amount of \$110.00 is enclosed for filing this response within the first month of extension. Please charge any additional fees, including extension fees, which may be required or credit any overpayments to Deposit Account No. 23-2126.

In view of the aforesaid, reconsideration and allowance of all claims at issue are respectfully solicited.

Respectfully submitted,

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